

ORIGINAL

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5-15-02
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRET T. CULVER,

Plaintiff

v.

COMMONWEALTH OF
PENNSYLVANIA, et al.,

Defendants

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No. 1:01-CV-0904

(Judge Kane)

FILED
HARRISBURG, PA

MAY 14 2002

MARY E. D'ANDREA, CLERK
Per [Signature] Deputy Clerk

MOTION FOR LEAVE TO DEPOSE PLAINTIFF

Pursuant to Rule 30(a) of the Federal Rules of Civil Procedure, defendants, by their attorney, requests the Court for leave to depose plaintiff in the above-captioned action, and in support thereof states the following:

1. This is a civil action for damages brought pursuant to 42 U.S.C. §1983.
2. Plaintiff, Brett Culver, # DD- 3483, is incarcerated at the State Correctional Institution at Mahanoy, located in Frackville, Pennsylvania.
3. Under Rule 30(a) of the Federal Rules of Civil Procedure, a person confined to prison may be deposed only by leave of Court.
4. The deposition of plaintiff will assist the defense in disposing of this case either by pre-trial motion or at trial.

5. Defendants request that they be permitted to depose the plaintiff at the State Correctional Institution at Mahanoy

6. The exact date and time for the deposition will be arranged following the granting of leave by the Court.

WHEREFORE, defendants' Motion for Leave to Depose Plaintiff should be granted.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:



MARYANNE M. LEWIS
Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief Litigation Section

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DATE: May 14, 2002

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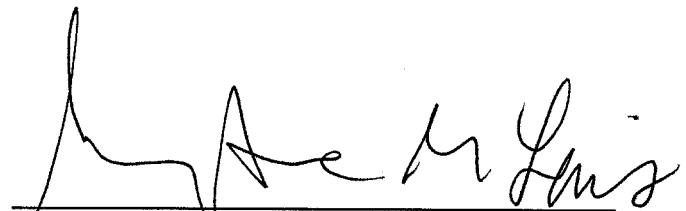
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No. 1:01-CV-0904
(Judge Kane)

CERTIFICATE OF SERVICE

I, Maryanne M. Lewis, Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing Motion for Leave to Depose Plaintiff, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Brett T. Culver, #DD 3483
SCI-Mahanoy
301 Morea Rd.
Frackville, PA 17932



MARYANNE M. LEWIS
DEPUTY ATTORNEY GENERAL

DATE: May 14, 2002